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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,950	06/29/2001	Robert D. Vanderminden SR.		8109

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EXAMINER

TRAN A, PHI DIEU N

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 08/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/895,950

Applicant(s)

VANDERMINDEN, ROBERT D.

Examiner

Phi D A

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Drawings

1. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 5/27/03 has been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Chuang (5265969).

Chuang shows a tilt mechanism comprising a first tubular member (3), a second tubular member (2), a catch (22) in one of the members and projecting into the other of the members, the catch having a plurality of recesses at an end projecting into the other tubular member, a pin (41) mounted in said other of the tubular members transversely of an in one of the recesses of the catch to lock the tubular members relative to each other (figures 2-3), at least one of the pin the catch being movable relative to each other to release the pin from a selected one of the recesses, spring means (5) in the other tubular member for biasing the pin toward the catch, the spring means including a coil spring abutting the pin and a plate (41) secured in said other of the tubular members and abutting the coil spring, the pin being slidably mounted in the other of the tubular

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members to move away from the catch to allow the other tubular member to tilt relative to the one tubular member, the end of the catch is spaced concentrically from second tubular member with the tubular members being in alignment with each other and is in abutment with the second tubular member in a terminal tilted position of the tubular members relative to each other (in abutment through the catch), the other of the tubular members having a pair of oppositely disposed elongated slots and the pin projects through the slots for grasping thereof (figure 3),

3. Claims 9-19, 22, 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Chuang (5265969).

Chuang shows a tilt mechanism comprising a first tubular member (3), a second tubular member (2), a catch (22) fixedly mounted in one of the members and having a stem (the top part) projecting into and pivotally secured to the other of the members, the stem having a plurality of recesses at an end projecting into the other tubular member, a rivet (6) pivotally securing the stem in the second member to allow the members to pivot relative to each other, a pin (41) mounted in said other of the tubular members transversely of an in one of the recesses of the catch to lock the tubular members relative to each other (figures 2-3), at least one of the pin the catch being movable relative to each other to release the pin from a selected one of the recesses, spring means (5) in the other tubular member for biasing the pin toward the catch, the spring means including a coil spring abutting the pin and a plate (41) secured in said other of the tubular members and abutting the coil spring, the pin being slidably mounted in the other of the tubular members to move away from the catch to allow the other tubular member to tilt relative to the one tubular member, the end of the catch is spaced concentrically from second tubular member with the tubular members being in alignment with each other and is in abutment with the second

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tubular member in a terminal tilted position of the tubular members relative to each other (in abutment through the catch), the pin having a rounded head (41, the other end having edges rounded to the body) at each end projecting from the other tubular member, the other of the tubular members having a pair of oppositely disposed elongated slots and the pin projects through the slots for grasping thereof (figure 3), the plate is frictionally secured within and transversely of the second member, one of the recesses is disposed centrally of the stem and a pair of recesses is disposed to opposite sides of the centrally disposed recess.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chuang (5265969) in view of Leonard (5518218).

Chuang shows all the claimed limitations except for the tubular members having contoured interfitting end surfaces to define a smooth cylindrical contour therebetween with the tubular members in alignment with each other.

Leonard shows the tubular members having contoured interfitting end surfaces to define a smooth cylindrical contour therebetween with the tubular members in alignment with each other (figures 7-8) to enable the cylinder to have a nice smooth outer appearance when tilted.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Chuang to show the tubular members having contoured interfitted end surfaces to define a smooth cylindrical contour therebetween with the tubular members in alignment with each other because it would allow for the tilting of the structure while maintaining a nice smooth outer appearance at the joint as taught by Leonard.

6. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chuang (5265969).

Chuang shows all the claimed limitations except for the first member having a bore at an upper end to receive an upper wood section of a pole therein and the second member having a bore at a lower end to receive a lower wood section of a pole therein.

It would have been obvious to one having ordinary skill in the art the time of the invention to modify Chuang to show the first member having a bore at an upper end to receive an upper wood section of a pole therein and the second member having a bore at a lower end to receive a lower wood section of a pole therein because it is well known in the art to have a tilting mechanism attaching to two sections of a wooden pole and having holes at the ends of the tilt mechanism would enable the attaching of the tilt mechanism to the wooden pole sections.

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chuang (5265969).

Chuang shows all the claimed limitations except for the first member having a reduced diameter portion at an upper end to receive an upper metal section of a pole thereon and the second member having a reduced diameter portion at a lower end to receive a lower metal section of a pole therein.

It would have been obvious to one having ordinary skill in the art the time of the invention to modify Chuang to show the first member having a reduced diameter portion at an upper end to receive an upper metal section of a pole thereon and the second member having a reduced diameter portion at a lower end to receive a lower metal section of a pole therein because it is well known in the art to have a tilting mechanism attaching to two sections of a metal pole together, and having reduced diameter portion would enable interfering fit with tapering sections of the metal pole sections.

Response to Arguments

8. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different tilting mechanisms.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

A handwritten signature in black ink, appearing to be 'Phi Dieu Tran A', with a large, loopy flourish at the end.

Phi Dieu Tran A
August 9, 2003